

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CITY OF CHICOPEE, Acting through the  
Chicopee Public Schools,

Plaintiff,

v.

DAVID T. As Parent and next friend of  
Kaitlyn T. and MASSACHUSETTS  
DEPARTMENT OF EDUCATION,

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION NO. 04-30087-MAP

**DEFENDANT MASSACHUSETTS DEPARTMENT OF EDUCATION'S  
CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendant Massachusetts Department of Education (the "Department") – by and through the Attorney General of the Commonwealth of Massachusetts, its counsel – cross-moves, pursuant to FED. R. CIV. P. 56(b), that this Court enter summary judgment in the Department's favor, affirming the decision of the Bureau of Special Education Appeals that is under review in this action. *Administrative Record (Volume I of II)* (docket, paper no. 14), pp. 89-103.

The reasons why this motion should be granted and the motion for summary judgment filed by plaintiff City of Chicopee, acting through the Chicopee Public Schools ("Chicopee") (docket, paper no. 50) should be denied are set forth in the memorandum filed therewith.

REQUEST FOR ORAL ARGUMENT

The Department requests, pursuant to LR. 7.1(D), that the Court hold oral argument on this motion and on Chicopee's motion for summary judgment.

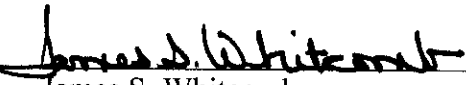
Respectfully submitted,

MASSACHUSETTS DEPARTMENT  
OF EDUCATION

By its attorney,

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ATTORNEY GENERAL

By:

  
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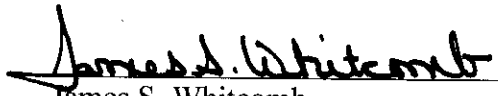
DATED: January 11, 2005.

CERTIFICATE OF SERVICE

I, James S. Whitcomb, Assistant Attorney General, hereby certify that on this 11<sup>th</sup> day of January 2005, I served the foregoing *Defendant Massachusetts Department of Education's Cross-motion for Summary Judgment* on both other parties by mailing a true copy of the document to each other party's respective counsel of record:

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